

TAB 23

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

VALERIE W. WAKEFIELD,)	CIVIL DIVISION
)	
Plaintiff,)	Civil Action No. 05 CV 79 – Erie
)	
v.)	Honorable Maurice B. Cohill, Jr.
)	
JOY MINING MACHINERY)	
COMPANY, a division of Harnischfeger)	
Industries,)	JURY TRIAL DEMANDED
)	
Defendant.)	
)	

COMMONWEALTH OF PENNSYLVANIA	:	
	:	
	:	SS
	:	
COUNTY OF ALLEGHENY	:	

AFFIDAVIT OF JOHAN MARITZ

The undersigned, Johan Maritz, being sworn, deposes and states as follows based on personal knowledge:

1. My name is Johan Maritz.
2. I am currently the Vice President of Human Resources for Joy Mining Machinery in the Americas.
3. Prior to assuming this position, I was the Director of Human Resources for Joy Mining Machinery in the Americas.
4. Prior to assuming this position, I was the Human Resources Manager for Joy Mining Machinery in Franklin, Pennsylvania.

5. Prior to assuming the position in Franklin, Pennsylvania, I was the Human Resources Director with Joy Mining Machinery in South Africa.

6. The Company's Harassment Policy in Franklin, Pennsylvania, in effect at the time Ms. Wakefield brought her complaint regarding Mr. Meade's conduct is attached as Exhibit #1 to this Affidavit. (This policy was also identified as Exhibit #3 to Mr. Meade's deposition and is attached to Joy's Appendix in Support of Motion for Summary Judgment and identified as Exhibit Tab 10.)

7. The portion of Plaintiff's Exhibit Tab "G," entitled "Joy Mining Machinery Harassment Policy Global Policy" is applicable, in general, to Joy's world-wide operations.

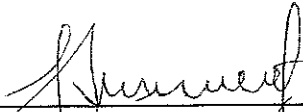
8. Exhibit #1 to this Affidavit is the Harassment Policy which is applicable to operations in the United States – including, the Franklin facility.

9. The Plaintiff's assertion that any language in the documents attached as Exhibit Tab "G" that acts of sexual misconduct must be witnessed by a third party before Joy will take any action with regard to a report of sexual misconduct is not accurate.

10. All complaints of sexual, or any harassment, are investigated to determine if there is a foundation for the charge: with or without third party witnesses to the conduct complained of.

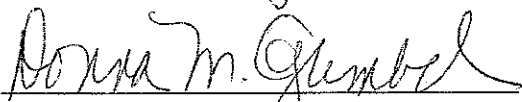
11. An example of the implementation of the policy is the complaint Ms. Wakefield made in this case. Her complaints regarding Mr. Meade's conduct were fully investigated and Mr. Meade was disciplined despite the lack of any third party witnesses to the conduct complained of.

12. The Plaintiff bid on, and with Joy and Union approval, is now working at Plant No. 1 – a building completely separate from where Mr. Meade works.


JOHAN MARITZ

Sworn to and subscribed before me this

14th day of May, 2007.


Notary Public

My Commission Expires:

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Donna M. Gumbel, Notary Public
Marshall Twp., Allegheny County
My Commission Expires April 19, 2011
Member Pennsylvania Association of Notaries



JOY MINING MACHINERY
A Harnischfeger Industries Company

HARASSMENT POLICY

Joy Mining Machinery is committed to providing an environment free from all forms of harassment or discrimination based on race, sex, age, religion, disability, marital status, national origin, sexual orientation or any other characteristic protected by law. We ask that all employees at all levels in the company act in a way that supports this commitment. Any employee who violates this policy will be subject to corrective action, which may include discipline up to and including discharge.

Sexual harassment requires some special attention because it is often hard to define. Sexual harassment may include any unwelcome conduct of sexual nature. Examples would be sexual advances, requests for sexual favors and other verbal, visual or physical conduct of a sexual nature such as comments, touching, teasing, joking or intimidation that interferes with work or creates an intimidating, hostile or offensive environment.

We are aware that conduct which might be offensive to some individuals might be considered inoffensive by others. Because of this, it is difficult for managers or supervisors to learn of and take effective action to halt harassment unless the affected individual alerts a manager or supervisor both to the occurrence and the fact that the conduct in question is offensive or unwanted. We expect all employees to report harassment, whether as a victim or an observer.

With this in mind, we make several options available if you feel you have witnessed or been subject to harassment of any kind, even if you consider it minor. We need your cooperation to make this policy as effective as possible. We encourage you to approach the alleged harasser and ask him/her to immediately stop the offensive activity, though this step is not required if it makes you feel uncomfortable or is not effective. They may not know how you or others feel.

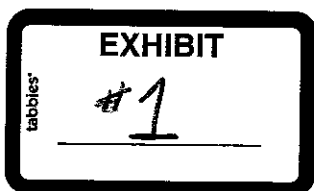
Whether you decide to talk to the alleged harasser or not, always promptly bring the matter to the attention of a supervisor, manager or officer of the company you feel comfortable talking to. They are in a position to help if you let them.

We will treat all claims of harassment seriously. All claims will be promptly and thoroughly investigated, and confidentiality will be maintained as much as possible during the investigation. If an investigation reveals that harassment has occurred, we will take prompt and appropriate corrective action reasonably designed to halt the harassment and prevent recurrences, which may include discipline or discharge of the harasser.

Retaliating or discriminating against someone for complaining about harassment or cooperating in an investigation is also a violation of this policy that can result in discipline or discharge. If you believe you have been retaliated against, even if the retaliation is subtle, report this fact immediately to the Director Human Resources U.S. Operations at Global Headquarters in Warrendale or any other manager.

Wayne F. Hunnell
President and Chief Operating Officer

File:///policies/harass.doc/02/28/01



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